

Meeting Date: 11/18/08

AGENDA REPORT

City of Santa Clara, California

Agenda Item #



Agency



Date: November 12, 2008

To: Executive Director for Redevelopment Agency Action

From: Director of Public Works / City Engineer

Subject: Resolution ordering the grant of an underground electric easement on Redevelopment Agency of the City of Santa Clara-owned property at 5353 Great America Parkway (S.C. 18,335; APN 104-01-100)

EXECUTIVE SUMMARY:

Electric service to the proposed development at the subject property requires dedication of a new underground electric easement. A dedication in the form of a resolution granting easement rights for underground electric purposes on Redevelopment Agency of the City of Santa Clara-owned land has been prepared by staff and approved for form by the City Attorney.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the Resolution will allow the Silicon Valley Power to install electrical utility facilities to the above reference development. The dedicated easement becomes an encumbrance on the subject property.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

That the Agency:

1. Adopt a Resolution ordering the grant of an underground electric easement (S.C. 18,335) on Redevelopment Agency-owned property at 5353 Great America Parkway (APN 104-01-100); and
2. Authorize the recordation thereof.

For Rajeev Batra
Director of Public Works / City Engineer

APPROVED:

Jennifer Sparacino
Executive Director for Redevelopment Agency

Documents Related to this Report:

- 1) Resolution

I:\ENGINEERING\Draft\WP\Agenda\SC18335 res grant ugee on RDA agn.doc

**RECORD WITHOUT FEE
PURSUANT TO GOV'T CODE SECTION 6103**

Recording Requested by:
Office of the City Attorney
City of Santa Clara, California

When Recorded, Mail to:
Office of the City Clerk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Form per Gov't Code Section 27361.6

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

RESOLUTION NO. _____(RA)

**A RESOLUTION OF THE AGENCY BOARD OF THE
REDEVELOPMENT AGENCY OF THE CITY OF SANTA
CLARA, CALIFORNIA, GRANTING CERTAIN PORTIONS
OF REAL PROPERTY OWNED BY THE REDEVELOPMENT
AGENCY OF THE CITY OF SANTA CLARA LOCATED AT
5353 GREAT AMERICA PARKWAY TO THE CITY OF
SANTA CLARA FOR USE AS AN UNDERGROUND
ELECTRIC EASEMENT [APN 104-10-100 (2008-09)]**

**BE IT RESOLVED BY THE AGENCY BOARD OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SANTA CLARA, AS FOLLOWS:**

WHEREAS, the Redevelopment Agency of the City of Santa Clara ("Agency"), is the owner of real property commonly known as 5353 Great America Parkway, Santa Clara, California, described more fully in Exhibit B, ("Property"), which is attached hereto and incorporated herein; and

WHEREAS, the Agency hereby finds and determines that portions of the Property, as shown on Exhibits A and B ("Easement") which are attached hereto and incorporated herein, may be granted for underground electric easement purposes.

///

///

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA, AS FOLLOWS:

1. That the Easement described more fully in Exhibits A and B attached hereto, in, on, under, along and across real property at 5353 Great America Parkway in the City of Santa Clara is hereby granted to City of Santa Clara for the purpose of constructing, installing, operating, repairing, maintaining, and replacing underground electrical distribution and/or communication systems, and appurtenances thereto, including a reasonable right of ingress and egress over adjoining lands of Agency, subject to the following terms, limitations, and conditions:

A. The underground system will consist of conduits, cables, vaults and splice boxes installed flush with or below grade and other necessary appurtenances. Transformers and switches will be mounted above grade on a concrete pad;

B. Portions of the Easement may be used for driveway(s), landscaping, and parking, excluding trees, as well as for other purposes which, as determined in the sole discretion of the Agency, will not interfere with the use of the Easement;

C. Private facilities, except to cross or connect to facilities of the serving agency, shall be excluded from the Easement, and no private structures may be constructed on the Easement.

///

///

///

///

///

///

///

2. Constitutionality, Severability. If any section, subsection, sentence, clause, phrase, or word of this Resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the Resolution. The Agency Board of the Redevelopment Agency of the City of Santa Clara hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
3. Effective Date. This Resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE AGENCY BOARD OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA, AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 200__, BY THE FOLLOWING VOTES:

AYES: AGENCY BOARD MEMBER

NOES: AGENCY BOARD MEMBER

ABSENT: AGENCY BOARD MEMBER

ABSTAINED: AGENCY BOARD MEMBER

ATTEST: _____
ROD DIRIDON, JR.
SECRETARY
REDEVELOPMENT AGENCY OF
THE CITY OF SANTA CLARA

I:\ENGINEERING\Draft\WP\Agenda\Resolutions\SC18335 ugee reserv on agency.doc

Attachments Incorporated by Reference:

1. Exhibit "A"
2. Exhibit "B"

Resolution Ordering the Grant of an Underground Electric Easement
Form Rev. 2-26-08; Typed: 10-3-08

I:\ENGINEERING\Draft\WP\Agenda\Resolutions\SC18335 ugee reserv on agency.doc
Page 3 of 3

SC 18,335

EXHIBIT "A"

Legal Description

UNDERGROUND ELECTRIC EASEMENT

At 5353 Great America Parkway Santa Clara, California

Portions of Parcel 2 as shown on that Parcel Map filed for record in Book 737 of Maps, at page 1, Santa Clara County Records, and being more particularly described as follows:

Parcel A:

Commencing at a southwesterly corner of said Parcel 2, said corner also being on the easterly line of Great America Parkway as shown on said map;

Thence, from said Point of Commencement, northerly along the most westerly line of said Parcel 2 the following two courses:

North 01° 05' 37" East, 291.76 feet; and,

North 01° 05' 30" East, 36.16 feet to the True Point of Beginning;

Thence, from said True Point of Beginning, leaving said most westerly line, South 88° 54' 30" East, 70.00 feet;

Thence, South 01° 05' 30" West, 45.00 feet;

Thence, South 88° 54' 30" East, 200.00 feet;

Thence, South 01° 05' 30" West, 25.00 feet;

Thence, South 88° 54' 30" East, 10.00 feet;

Thence, North 01° 05' 30" East, 85.00 feet;

Thence, South 88° 54' 30" East, 180.00 feet;

Thence, North 01° 05' 30" East, 152.00 feet;

Thence, South 88° 54' 30" East, 35.00 feet;
Thence, South 01° 05' 30" West, 35.00 feet;
Thence, South 88° 54' 30" East, 17.00 feet;
Thence, North 01° 05' 30" East, 45.00 feet;
Thence, North 88° 54' 30" West, 62.00 feet;
Thence, South 01° 05' 30" West, 152.00 feet;
Thence, North 88° 54' 30" West, 180.00 feet;
Thence, South 01° 05' 30" West, 60.00 feet;
Thence, North 88° 54' 30" West, 190.00 feet;
Thence, North 01° 05' 30" East, 100.00 feet;
Thence, North 88° 54' 30" West, 40.00 feet;
Thence, South 27° 39' 24" West, 11.18 feet;
Thence, North 88° 54' 30" West, 35.00 feet to a point hereinafter referred to as Point 1, said point also being on said most westerly line of said Parcel 2;
Thence, southerly along said most westerly line, South 01° 05' 30" West, 10.00 feet;
Thence, South 88° 54' 30" East, 40.00 feet;
Thence, South 01° 05' 30" West, 20.00 feet;
Thence, South 88° 54' 30" East, 20.00 feet;
Thence, South 01° 05' 30" West, 15.00 feet;
Thence, North 88° 54' 30" West, 60.00 feet to a point on said most westerly line of said Parcel 2;
Thence, southerly along said most westerly line, South 01° 05' 30" West, 10.00 feet to the True Point of Beginning; and,

Containing an area of 10,860 square feet, more or less.

Parcel B:

Commencing at the hereinbefore described Point 1;

Thence, from said Point of Commencement, northerly along the most westerly line of said Parcel 2, North 01° 05' 30" East, 655.00 feet to the True Point of Beginning;

Thence, from said True Point of Beginning, leaving said most westerly line, South 88° 54' 30" East, 70.00 feet;

Thence, North 01° 05' 30" East, 60.00 feet;

Thence, North 88° 54' 30" West, 70.00 feet to a point hereinafter referred to as Point 2, said point also being on said most westerly line of said Parcel 2;

Thence, southerly along said most westerly line, South 01° 05' 30" West, 10.00 feet;

Thence, South 88° 54' 30" East, 60.00 feet;

Thence, South 01° 05' 30" West, 15.00 feet;

Thence, North 88° 54' 30" West, 20.00 feet;

Thence, South 01° 05' 30" West, 10.00 feet;

Thence, South 34° 46' 54" West, 18.03 feet;

Thence, North 88° 54' 30" West, 30.00 feet to a point on said most westerly line of said Parcel 2;

Thence, southerly along said most westerly line, South 01° 05' 30" West, 10.00 feet to the True Point of Beginning; and,

Containing an area of 2,375 square feet, more or less.

Parcel C:

Commencing at the hereinbefore described Point 2;

Thence, from said Point of Commencement, northeasterly along most westerly line of said Parcel 2, North 01° 05' 30" East, 237.00 feet to the True Point of Beginning;

Thence, from said True Point of Beginning, leaving said most westerly line, South 88° 54' 30" East, 67.00 feet;

Thence, North 01° 05' 30" East, 130.00 feet to a point on the most northerly line of said Parcel 2, said point also being on the southerly line of Yerba Buena Way as shown on said map;

Thence, westerly, along said most northerly line, North 88° 54' 30" West, 10.00 feet;

Thence, leaving said most northerly line, South 01° 05' 30" West, 90.00 feet;

Thence, North 88° 54' 30" West, 57.00 feet to a point on said most westerly line of said Parcel 2;

Thence, southerly along said most westerly line, South 01° 05' 30" West, 10.00 feet;

Thence, South 88° 54' 30" East, 40.00 feet;

Thence, South 01° 05' 30" West, 20.00 feet;

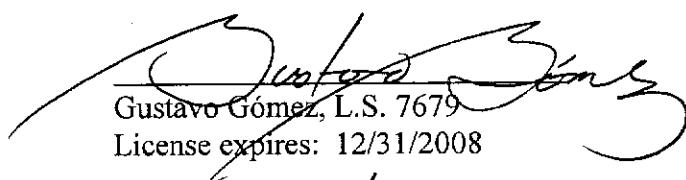
Thence, North 88° 54' 30" West, 40.00 feet to a point on said most westerly line of said Parcel 2;

Thence, southerly along said most westerly line, South 01° 05' 30" West, 10.00 feet to the True Point of Beginning; and,

Containing an area of 2,780 square feet, more or less.

A plat showing the above described Underground Electric Easements is attached hereto and made a part hereof as EXHIBIT "B" (Tracing No. 11,707-A).

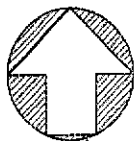
This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.


Gustavo Gómez, L.S. 7679
License expires: 12/31/2008

Date: 9/22/2008



PAGE 1 OF 2



GREAT AMERICA PARKWAY

104-01-099

104-01-102

PM 737 M 1
PARCEL 2
104-01-100 (2008-09)

[illegible]

-PM 737 M 1
REMAINDER 1



SVP's Est. #1626Z

K:\... \AUTOCAD\LPD\HUNG\SC18335 UGEE1.DWG

Revised

Drawn By	HL	09-10-08
----------	----	----------

Checked By	DJM	9-22-08
------------	-----	---------

Approved By <u>G. Gómez</u>	<u>9-22-2008</u>
-----------------------------	------------------

RAJEEV BATRA

DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

CITY OF SANTA CLARA

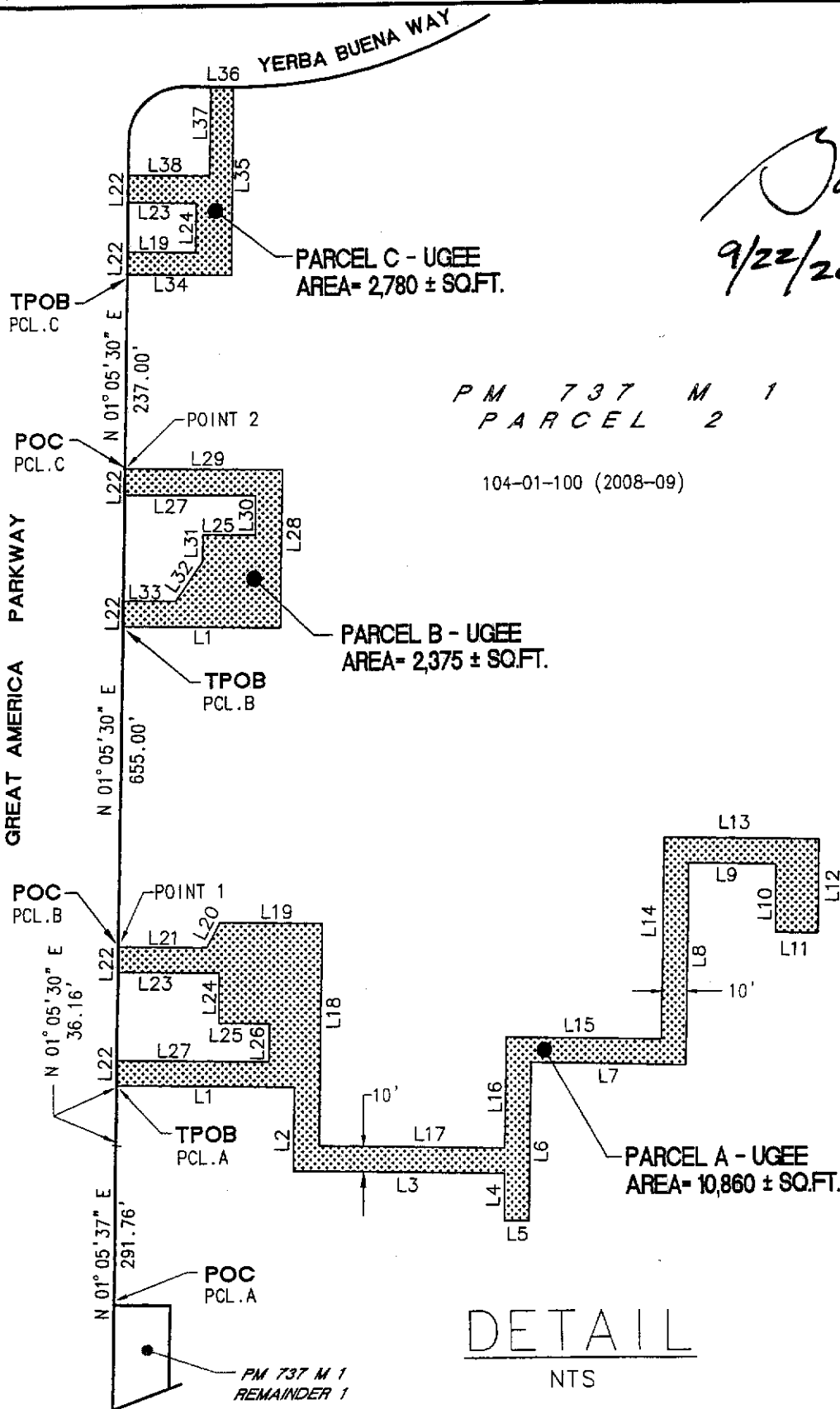
UNDERGROUND ELECTRIC EASEMENT (UGEE)

5353 GREAT AMERICA PARKWAY

Scale 1" = 300'

Ref.	SC 18.335
------	-----------

Tracing No.
11,707-A



LINE TABLE:

LINE	BEARING	DISTANCE
L1	S 88°54'30" E	70.00'
L2	S 01°05'30" W	45.00'
L3	S 88°54'30" E	200.00'
L4	S 01°05'30" W	25.00'
L5	S 88°54'30" E	10.00'
L6	N 01°05'30" E	85.00'
L7	S 88°54'30" E	180.00'
L8	N 01°05'30" E	152.00'
L9	S 88°54'30" E	35.00'
L10	S 01°05'30" W	35.00'
L11	S 88°54'30" E	17.00'
L12	N 01°05'30" E	45.00'
L13	N 88°54'30" W	62.00'
L14	S 01°05'30" W	152.00'
L15	N 88°54'30" W	180.00'
L16	S 01°05'30" W	60.00'
L17	N 88°54'30" W	190.00'
L18	N 01°05'30" E	100.00'
L19	N 88°54'30" W	40.00'
L20	S 27°39'24" W	11.18'
L21	N 88°54'30" W	35.00'
L22	S 01°05'30" W	10.00'
L23	S 88°54'30" E	40.00'
L24	S 01°05'30" W	20.00'
L25	S 88°54'30" E	20.00'
L26	S 01°05'30" W	15.00'
L27	N 88°54'30" W	60.00'
L28	N 01°05'30" E	60.00'
L29	N 88°54'30" W	70.00'
L30	S 01°05'30" W	15.00'
L31	S 01°05'30" W	10.00'
L32	S 34°46'54" W	18.03'
L33	N 88°54'30" W	30.00'
L34	S 88°54'30" E	67.00'
L35	N 01°05'30" E	130.00'
L36	N 88°54'30" W	10.00'
L37	S 01°05'30" W	90.00'
L38	N 88°54'30" W	57.00'

EXHIBIT "B"

PAGE 2 OF 2

K:\...\AUTOCAD\LPD\HUNG\SC18335 UGEE1.DWG		
Revised		
Drawn By	HL	09-10-08
Checked By	DJM	9-22-08
Approved By	G. Gomez	9-22-2008
RAJEEV BATRA		
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER		

CITY OF SANTA CLARA

Scale
NTS

UNDERGROUND ELECTRIC EASEMENT (UGEE)

Ref.
SC 18,335

5353 GREAT AMERICA PARKWAY

Tracing No.
11,707-A

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: 11-18-2008

SUBJECT: SC 18,335 – Resolution - 5353 Great America Parkway (APN 104-01-100)

CERTIFICATION

The proposed Resolution regarding the grant of an underground electric easement within Redevelopment Agency of the City of Santa Clara-owned land has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

City Charter § _____ (i.e., 1310: Public Works Contracts. Notice published at least once at least ten days before bid opening)

City Code § _____

1. As to City Functions, by

44. Rajeev Bano
Department Head

2. As to Legality, by

Heene Leichter
City Attorney's Office /CAO Assignment No 08. 1389

3. As to Environmental
Impact Requirements, by

Kevin L. Riley
Director of Planning and Inspection

4. As to Substance, by

J. Sparacino
City Manager

Revision Date June 7, 2005